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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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STATE DOCUMENTS

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OFFICE OF RESEARCH

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in the petition, the clerk of court shall forward the petition to the proper county of venue where it must be filed as if the action had been initiated in that county.

The House approved and sent to the Senate **H.4391**, pertaining to **matriculation and incidental fees charged to students**. This bill provides that school trustees, when adopting regulations or policies regarding matriculation and incidental fees charged to students, must take into account the students' ability to pay and must hold the fee to a minimum reasonable amount. The bill further provides that fees may not be charged to students eligible for reduced price lunches.

The House approved and sent to the Senate **H.4030**, pertaining to **jurisdiction for the offense of driving under a suspended license**. This bill provides that the magistrate's court has concurrent, not exclusive, jurisdiction to hear the offense of driving while one's license is suspended for reasons other than for driving while under the influence of alcohol or drugs.

The House amended, approved, and sent to the Senate **H.3943**, a bill enacting the **"Structured Settlement Protection Act."** The legislation provides procedures to regulate the transfer of structured settlements, including provisions requiring court or administrative authority approval in advance for the transfer of structured settlement payment rights, and establishing disclosure requirements.

The House amended, approved, and sent to the Senate **S.92**, a bill **revising a Probate Court procedure**. The legislation eliminates the requirement that a deed of distribution be examined by the Probate Court before filing or that it be accompanied by an affidavit to attest to its accuracy and completeness in regard to the named grantee or grantees.

The House amended, approved, and sent to the Senate **H.4413**, regarding **new construction or reconstruction seaward of the baseline**. The bill provides that existing groins may be reconstructed, repaired, and maintained. The bill provides that new groins may only be allowed on beaches that have high erosion rates with erosion threatening existing development or public parks. The bill provides that new groins may be constructed and existing groins may be reconstructed only in furtherance of an on-going beach renourishment effort which meets DHEC criteria and which is in accordance with other requirements specified in the legislation. A monitoring program is required for the life of such a new groin project to measure beach profiles. Groins may only be permitted after thorough analysis of the project demonstrates that there will be no negative effect on adjacent areas. The applicant shall provide a financially binding commitment to cover the cost of correcting any adverse downdrift impacts. If monitoring shows increased erosion along adjacent or downdrift beaches or shoreline high ground likely attributable to the groins, groins must be modified or removed, and beach restoration performed. Adjacent and downdrift communities and municipalities must be notified of all applications for a groin project.

The House approved and sent to the Senate **H.4303**, a bill that revises conditions that preclude the **registration of certain trade marks and names**. Current law

JOINT ASSEMBLY

The Senate and the House of Representatives sat in Joint Assembly on Wednesday, February 6, for the purpose of conducting judicial elections. Election results were as follows:

The Honorable John H. Waller, Jr., **SOUTH CAROLINA SUPREME COURT JUSTICE**

The Honorable H. Samuel Stilwell, **COURT OF APPEALS JUDGE, SEAT 7**

The Honorable J. Cordell Maddox, Jr., **CIRCUIT COURT JUDGE, AT-LARGE, SEAT 7**

The Honorable Alison Renee Lee, **CIRCUIT COURT JUDGE, AT-LARGE, SEAT 11**

The Honorable James E. Brogdon, Jr., **CIRCUIT COURT JUDGE, AT-LARGE, SEAT 12**

The Honorable John L. Breeden, Jr., **CIRCUIT COURT JUDGE, AT-LARGE, SEAT 13**

George M. McFaddin, Jr., **FAMILY COURT JUDGE, THIRD JUDICIAL CIRCUIT, SEAT 1**

The Honorable James A. Spruill, III, **FAMILY COURT JUDGE, FOURTH JUDICIAL CIRCUIT, SEAT 3**

The Honorable Walter B. Brown, Jr., **FAMILY COURT JUDGE, SIXTH JUDICIAL CIRCUIT, SEAT 2**

Jocelyn B. Cate, **FAMILY COURT JUDGE, NINTH JUDICIAL CIRCUIT, SEAT 5**

The Honorable Aphrodite K. Konduros, **FAMILY COURT JUDGE, THIRTEENTH JUDICIAL CIRCUIT, SEAT 3**

The Honorable Robert N. Jenkins, Sr., **FAMILY COURT JUDGE, THIRTEENTH JUDICIAL CIRCUIT, SEAT 5**

The Honorable Haskell T. Abbott, III was not elected **FAMILY COURT JUDGE, FIFTEENTH JUDICIAL CIRCUIT, SEAT 3**

The Honorable C. Dukes Scott, **ADMINISTRATIVE LAW JUDGE, SEAT 2**

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- A fourteen day temporary saltwater recreational fisheries license is created, with a charge of five dollars for residents and eleven dollars for nonresidents; temporary license holders do not need to acquire an annual license;
- The agent who issues saltwater recreational fisheries licenses may retain one dollar per license, and the balance must be paid to the S.C. Department of Natural Resources;
- Annual operating license fee to the owner or operator of a public saltwater fishing pier one hundred feet or less in total length is one hundred fifty dollars, and for a pier greater than one hundred feet in length, the fee is three hundred fifty dollars;
- Annual operating license fee to the owner or operator of a charter saltwater fishing vessel carrying six or fewer passengers is one hundred fifty dollars, two hundred fifty dollars for vessels licensed to carry seven to forty-nine passengers, and three hundred fifty dollars for vessels licensed to carry more than forty-nine passengers. If the vessel carries only the passengers who hire the vessel, the annual license fee is forty dollars.
- Revenue from the fee increase must be used only for development of saltwater recreational fishing facilities; scientific research relating to management of saltwater recreational fisheries; and for protection, maintenance, or enhancement of saltwater habitat important to the continued production of fish stocks and their food sources of significance to saltwater recreational fisheries.

The Committee reported favorable with amendment on **H.3481**, regarding **rockfish taken from Lake Murray**. As reported by the Committee, this bill provides that during July and August, it is unlawful to retain more than two striped bass (rockfish) per day that are taken from Lake Murray and less than the legal size limit. Currently, the size limit on rockfish taken from Lake Murray is not in effect during the months of June, July, and August.

The Committee reported favorable with amendment on **S.856**, which recreates the **special water recreational resources fund**. As reported by the Committee, the bill provides that one percent of the proceeds from thirteen cents of the gasoline tax must be transmitted to the Department of Natural Resources (DNR) for this special fund, and that all balances in the fund must be carried forward annually so that no part of it reverts to any other fund. The bill provides that the fund must be apportioned based upon the number of registered boats or other watercraft in each county and expended by DNR to acquire, create, or improve "water recreational resources" (defined in the bill). The bill provides that these funds may be used to promote activities that take place on the water for recreation provided that no more than ten percent of each annual allocation may be used for this purpose beginning July 1, 2003. The bill allows each county delegation to make recommendations to DNR for projects to acquire, create, or improve water recreational resources, and DNR must give these recommendations primary consideration over any other projects. The bill allows DNR to use up to one third of the funds for law enforcement, noxious aquatic weed control, and acquisition, and the bill requires

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The committee gave a report of favorable with amendment to **H.3840**, a bill pertaining to **nationally recognized building codes**. The legislation requires all agencies to adopt and enforce the most current editions of nationally recognized codes and standards for the construction, manufacture, renovation, improvement, and maintenance of structures. The bill provides a mechanism for the adoption of these nationally recognized codes and for proposing and adopting amendments. The bill provides that, unless otherwise required by law, an agency may not enforce a provision of a nationally recognized code to the extent it is inconsistent with any state statute or regulation that does not rely on a nationally recognized code.

The committee gave a favorable report on **S.45**, which provides revisions to the **South Carolina Building Codes Council**. The full House approved the bill and enrolled it for ratification (see House Week in Review, this issue).

The committee gave a report of favorable with amendment on **H.4430**, pertaining to the **South Carolina Association of Insurance and Financial Advisors**. The full House adopted the amendment and sent the bill to the Senate (see House Week in Review, this issue).

H.4029, the **Motorist Insurance Identification Database Act**, was recommitted to the Insurance Subcommittee.

Two bills were recommitted to the Real Estate Subcommittee: **H.3090**, relating to the **South Carolina Residential Builders Commission**, and **H.3440**, relating to the licensure and regulation of **residential builders, residential specialty contractors, and home inspectors**.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full Medical, Military, Public and Municipal Affairs Committee reported favorable on **H.4485**. This bill changes the name of the South Carolina Emergency Preparedness Division to the **"South Carolina Emergency Management Division."**

The Committee adjourned debate on **H.3145**, regarding **state and federal criminal records checks for certain direct caregivers**.

WAYS AND MEANS

The full Ways and Means Committee did not meet this week.

grounds for the Department of Social Services (DSS) to take the child into custody or for a family court to order that the child be taken into custody by DSS, unless the refusal causes the child to be neglected or abused.

H.4652 "UNITED WE STAND" SPECIAL LICENSE PLATES Rep. Lourie

This bill provides for the issuance of "United We Stand" special license plates and provides for the distribution of the fees collected for this special plate.

H.4653 MISSED SCHOOL DAYS IN FLORENCE COUNTY Rep. Askins

This bill provides that specified school days missed this year by students in Florence County School District Three due to inclement weather are exempted from the make-up requirement.

H.4666 ADMINISTRATION DATE OF PACT TEST Rep. Hamilton

This bill provides that, time permitting, the Palmetto Achievement Challenge Test (PACT) shall be administered annually in the Greenville County School District on the day following completion of the district's one hundred sixtieth day of student instruction. If sufficient time does not remain during that week to complete the test, it shall be administered at the beginning of the following week, with the make-up test to begin two weeks later. The bill also provides an alternate date in the event that the dates in any year are earlier than the dates set by the State Board of Education for administration of the test in other school districts that year.

H.4670 ELIGIBILITY FOR DRIVER'S LICENSE ISSUANCE Rep. Harrison

Current law allows issuance or renewal of a driver's license to persons from other countries who are present in South Carolina on a student visa or on a work visa, or their dependents. This bill deletes that provision and provides that for purposes of determining eligibility to obtain or renew a South Carolina driver's license, the term "resident of South Carolina" includes all persons authorized by the U.S. Department of Justice, the U.S. Immigration and Naturalization Service, or the U.S. Department of State to live, work, or study in this country on a temporary or permanent basis who present documents indicating their intent to live, work, or study in South Carolina. The bill provides that these persons are eligible to obtain or renew a driver's license.

H.4674 STUDENT USE OR POSSESSION OF A CELL PHONE Rep. Huggins

This bill revises the current prohibition on student possession of paging devices by providing conditions under which a student may possess a paging device on school property. The bill includes a cell phone under the definition of "paging device." The bill also provides that special schools (such as alternative schools) may, with board approval, completely prohibit the use or possession of paging devices on their premises.

H.4679 GENERAL ASSEMBLY LICENSE PLATES Rep. Rodgers

This bill provides that General Assembly special license plates must be imprinted with the district number of the legislator and must identify the legislator as either a Representative or a Senator.

S.322 GUARDIAN AD LITEM REFORM ACT OF 2002 Sen. Mescher

This bill establishes various new requirements for and responsibilities for guardians ad litem.

S.828 ELECTION OF JUDGES AND JUSTICES Sen. McConnell

This bill revises provisions for the election of judges and justices, so as to repeal a provision relating to the exemption of a public hearing.

H.4675 BEER AND WINE SALES AT GAS STATIONS Rep. Haskins

This bill provides that it is unlawful for a business establishment selling gasoline or other motor fuels and which possesses a permit to sell beer and wine to sell refrigerated or chilled beer and wine. The bill also provides that it is unlawful for such establishments to sell fewer than six separate containers of beer to one customer. Penalties are provided for violations.

H.4678 SUSPENSION OF SUNDAY WORK PROHIBITIONS Rep. Rodgers

This bill provides that Sunday work prohibitions may be suspended in an unincorporated area by the county governing body by ordinance and in an incorporated area by the governing body of a municipality in those counties which are not exempt from the prohibition. The bill eliminates certain referendum provisions.

**H.4682 SCOPE OF THE UNIFORM COMMERCIAL CODE PROVISIONS
GOVERNING SECURED TRANSACTIONS** Rep. Harrison

This bill revises the scope of the Uniform Commercial Code provisions governing secured transactions, so as to make the provisions inapplicable to a transfer by a governmental unit after June 30, 2001. The bill eliminates provisions under which the UCC provisions governing secured transactions are preempted by a statute of this state or another state or foreign country.

H.4683 SOUTH CAROLINA STUDENT-LED MESSAGE ACT Rep. Campsen

This bill authorizes the governing body of a school board or school district to adopt policies that permit the use of a brief opening or closing message by a student at a high school graduation exercise and at a high school athletic or other event. The bill provides the conditions under which such messages may be delivered.

H.4696 JUDICIAL PERFECTION AND SELECTION COMMISSION
Rep. W. D. Smith

This bill changes the name of the Judicial Merit Selection Commission to the Judicial Perfection and Selection Commission. The bill adds to the criteria the commission must consider for candidates for judicial office the criteria that the candidate is perfect and proof from a candidate that he has recused himself when he is going to have a bad day.

same agency for the specified employee to use for absences occurring due to extenuating circumstances. Such transfers must be approved by the agency director on a case-by-case basis.

S.830 LEAVES OF ABSENCE FOR ORGAN DONORS Sen. Giese

This bill provides for paid leaves of absence for state and local officers and employees for purposes of organ donation.

**H.4676 MERGER OF LEGISLATIVE INFORMATION SYSTEMS (LIS)
AND LEGISLATIVE PRINTING AND INFORMATION
TECHNOLOGY RESOURCES (LPITR)** Rep. Kelley

This bill codifies and provides for the merger of LIS and LPITR, transferring all assets and resources of LIS to LPITR, with the exception of one FTE which must be transferred to the House of Representatives. The bill provides that the merged entity will be known as Legislative Printing, Information and Technology Systems (LPITS).

H.4677 SERVICES OF FIRE DISTRICTS Rep. Askins

This bill authorizes fire districts to provide, by resolution of the governing body, certain nontransportational rescue services within the boundaries of the district. To pay for these services, the bill allows the governing body to levy taxes and to impose fees within the district, and to issue county bonds.

**H.4684 SET-ASIDE FUNDS FOR DEFERRED MAINTENANCE AT
PUBLIC COLLEGES AND UNIVERSITIES** Rep. White

This bill provides that any South Carolina public college or university soliciting private funds for costs associated with construction or renovation of a college or university building or facility must set aside at least three percent of these monies in escrow for the sole purpose of providing regular or deferred maintenance for the building or facility. The bill authorizes the Commission on Higher Education to waive this provision under certain circumstances.

**H.4694 REPEAL OF CODE SECTION REGARDING CERTAIN
DEPARTMENT OF EDUCATION APPROPRIATION** Rep. Cotty

This bill repeals S.C. Code of Laws §59-21-170, which reads as follows:
"Funding equal to that appropriated for fiscal year 1994-95 must be appropriated to the Department of Education to offset any reduction suffered by school districts due to a change in the distribution of employer contribution funds. This funding shall be specifically appropriated and be reflected as a line item in the Appropriations Act. If the fiscal year 1994-95 level of funding to offset the change in allocation is not appropriated, Section 59-21-160 of the 1976 Code shall be suspended."